

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/6/2024
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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

US FOODS, INC.,

Plaintiff,

v.

REMCODA, LLC, a New York limited  
liability company; and REMCODA, LLC, a  
Florida limited liability company,

Defendants.

22 Civ. 9663 (AT) (VF)

**ORDER OF DISMISSAL WITH PREJUDICE**

**WHEREAS**, on November 22, 2022, Plaintiff US Foods, Inc. (“**USF**”) commenced the above-captioned action (the “**Action**”) by filing a Complaint against Defendant Remcoda, LLC (“**Remcoda**,” and with USF, the “**Parties**”) (ECF No. 1);

**WHEREAS**, on January 10, 2023, USF filed a First Amended Complaint against Remcoda (ECF No. 24);

**WHEREAS**, on March 15, 2023, Remcoda moved to dismiss the First Amended Complaint, and that motion to dismiss was fully briefed by the Parties (ECF Nos. 36–38, 41–42);

**WHEREAS**, on March 15, 2024, the Court issued an Order granting in part and denying in part Remcoda’s motion to dismiss (ECF No. 69);

**WHEREAS**, on March 29, 2024, Remcoda answered the First Amended Complaint (ECF No. 72);

**WHEREAS**, on June 24, 2024, the Parties executed a settlement agreement (the “**Settlement Agreement**”);

**WHEREAS**, on July 3, 2024, pursuant to a stipulated Order, the Court dismissed the Action *without prejudice*, with the Court retaining jurisdiction to enforce the publicly filed Settlement Agreement (ECF No. 86); and

**WHEREAS**, the Parties advise the Court that Remcoda has met its payment obligations under the Settlement Agreement, and the Parties therefore jointly request that the Court now dismiss this Action *with prejudice*;

**IT IS HEREBY SO ORDERED** by the Court that:

1. This Action is dismissed with prejudice.

**SO ORDERED.**



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ANALISA TORRES  
United States District Judge

Dated: August 6, 2024  
New York, New York